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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,251	10/07/2005	Bruce H Bersted	270153US55XPCT	4877
22850	7590	06/02/2009	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				WOODWARD, ANA LUCRECIA
ART UNIT		PAPER NUMBER		
1796				
NOTIFICATION DATE		DELIVERY MODE		
06/02/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/531,251	BERSTED ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ana L. Woodward	1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on November 18, 2008; February 25, 2009.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 44-86 is/are pending in the application.

4a) Of the above claim(s) 48,51,54-61,66,81 and 82 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 44-47,49,50,52,53,62-65,67-80 and 83-86 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>11/18/08</u> .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Group I comprising an at least partially aromatic polyamide per claim 47 as the ultimate species of polycondensation polymer and 0 weight% of the polymer having a heat deflection temperature of at most 80 C in the reply filed on February 25, 2009 is acknowledged. The traversal is on the ground(s) that the Office has not met its burden in supporting the assertion that Groups I and II lack the same or corresponding special technical features as I necessary in a PCT case. This is not found persuasive because claims 81 and 82 are anticipated or obvious over, e.g., U.S. 6,355,723 discloses titanium dioxide containing compositions with high reflectivity values. As the recited composition does not make a contribution over the prior art, unity of invention is lacking and restriction is appropriate.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 48, 51, 54-61, 66, 81 and 82 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected group or species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on February 25, 2009.

### ***Claim Rejections - 35 USC § 112***

3. Claims 79 and 80 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 79, line 2, it is unclear as to what is intended by the confusing language "in the need thereof".

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 44-47, 49, 50, 52, 53, 62-65, 67-80 and 83-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 5,760,125 (Ohtomo et al).

Ohtomo et al disclose a resin composition which has improved resistance to yellowing due to light comprising A) a polyphenylene ether resin, B) a polyamide resin, C) a styrene thermoplastic resin, D) an optional rubber polymer and E) a pigment. Suitable polyamides include partially aromatic polyamides, such as nylon 6T, etc. (column 4, lines 34-36). The amount of pigment is 2-20 parts by weight with respect to 100 parts by weight of the total of components (A)-(D) and preferably includes titanium oxide and carbon black.

The disclosure of the reference differs in essence from the present claims in not expressly exemplifying the use of a partially aromatic polyamide or the use carbon black amounts falling within the scope of the present claims. Given that partially aromatic polyamides are disclosed as suitable polyamides by the reference, it would have been obvious to one having ordinary skill in the art to have employed the presently claimed partially aromatic polyamides with the reasonable expectation of success. As to the carbon black amounts, it is maintained that it would have been within the scope of the reference disclosure and obvious to one having ordinary skill in the art to have employed low amounts of carbon black (inclusive of those presently claimed) with the reasonable expectation of success as the reference clearly shows low amounts of carbon black

(examples). Accordingly, absent evidence of unusual or unexpected results for applicants' carbon black upper limit, no patentability can be seen in the presently claimed subject matter.

As to the shaped articles per claims 77 and 78, it is maintained that the production of reflectors would be within the scope of the general disclosure of automobile parts disclosed by the reference.

***Response to Arguments***

6. Applicants' arguments filed November 18, 2008 have been fully considered and are persuasive. The rejection over van Baal et al has been withdrawn.

***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ana L. Woodward whose telephone number is (571) 272-1082. The examiner can normally be reached on Monday-Friday (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ana L. Woodward/  
Primary Examiner  
Art Unit 1796